

FILED  
for Roanoke  
FEB 14 2013

JULIA C. DUDLEY, CLERK  
BY: *M. Hupp*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LAWRENCE SWANSON,  
Petitioner,

v.

KEITH W. DAVIS,  
Respondent.

) Civil Action No. 7:12-cv-00474  
)  
)  
)

) **ORDER**  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

**ORDERED**

that respondent's motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a certificate of appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to petitioner and counsel of record for respondent.

ENTER: This 14<sup>th</sup> day of February, 2013.

*Jackson L. Kiser*  
Senior United States District Judge